

Alley Vacation 10/12/77
Between W. 55th St. & Adath Yesurn
Cemetery East of France Ave.

RICHARD W. HUFFMAN
ATTORNEY AT LAW

1810 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MINNESOTA 55402

(612) 338-7887

January 9, 1978

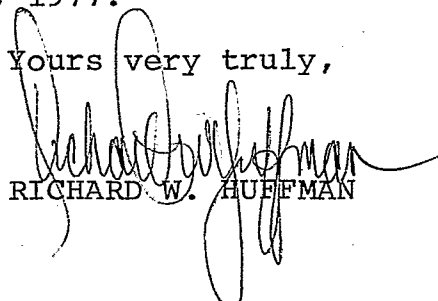
Ms. Florence Hallberg
Edina City Offices
4801 W. 50th Street
Edina, Minnesota 55424

Re: Vacation of alley east of France Ave. and north of
Hebrew Cemetary

Dear Ms. Hallberg:

Enclosed herewith please find my check in the amount of \$1.25.
Will you please send to me a certified copy of the City Council
Resolution approving the vacation of the above alley. It is
my understanding that said vacation was dated September 12, 1977
and became effective October 12, 1977.

Yours very truly,


RICHARD W. HUFFMAN

RWH:dg

Enclosure

January 11, 1978

Mr. Richard W. Huffman
1810 IDS Center
Minneapolis, MN 55402

Dear Mr. Huffman:

Enclosed is your check which you sent me for certified copy of the resolution vacating the alley East of France and between the Hebrew Cemetery and W. 55th Street.

The resolution should be filed by Tuesday of next week. However, it might be a good idea for you to call me before you go down to the Court House.

In any event, please do not hesitate to call if you have any questions.

Yours very truly,

City Clerk

enclosure

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

I, the undersigned, being the duly qualified and acting City Clerk of the City of Edina, Minnesota, do hereby certify that I have compared the attached and foregoing extract of minutes with the original minutes on file and of record in my office, and that the same is a full, true, and correct transcript of the minutes of a meeting of the City Council of said City duly called and held on the date therein indicated, as refers to the vacation of the alley East of France Ave. and between W. 55th Street and Hebrew Cemetery.

WITNESS my hand and seal of said City this 10th day of

January, 19 78.

Lawrence B. Hallberg
City Clerk

4) a reduction in automobile emissions and congestion by providing convenience, thus reducing travel; 5) utilization of odd lots or small parcels of land that are not marketable to the industrial user; and 6) a unique opportunity for adaptive reuse of old industrial buildings. The letter also provided a list of other metropolitan area municipalities which, under certain conditions, permitted restaurants in industrial zones. A letter was noted from Mr. David H. Nelson, President of Nelson's Mr. Big Family Restaurants, which objected to the restaurant on the grounds that he himself had been denied zoning which would have permitted a restaurant at that site. Letters opposing the zoning were also noted from Ms. Bonevieve Farsje and Ms. Catherine Skanse, 4440 Parklawn Ave., and from Ms. M. Genevieve Artz, 4351 Parklawn Ave., objecting to the restaurant because it would increase traffic in the area. In response to the suggestion of Councilman Richards that the restaurant might be built in the middle of the industrial park so as to avoid compounding traffic congestion, Mr. Jarvis said that they did not intend to serve only the industrial area. He added that the curb cuts would be on W. 76th Street, rather than on France Ave. Mr. Jarvis suggested that criteria could be established which would limit the number of restaurants on France Ave. and which would prevent "strip commercial development" along France Ave. City Attorney Erickson referred to his letter of June 8, 1977, in which he had opined that use of special permits or the inclusion of restaurants in a Planned Industrial District would appear to be a policy decision that should be addressed by the Council before any ordinance is prepared for review by the Planning Commission and subsequent submission to the Council. He concurred that Mr. Jarvis was essentially correct in his statement that an ordinance could be drafted that would set forth certain uses in certain areas if certain requirements are met. Councilman Richards expressed concern that under such an ordinance, some development might be proposed which meets ordinance requirements, but would still be undesirable. Mr. Erickson pointed out that variances would continue to be a part of the ordinance and would be applicable to all aspects of the ordinance requirements, including those which would go with a special permit. He clarified that the petitioner would be required to prove hardship and undue and unique circumstances in order to obtain a variance. Councilman Shaw recalled that letters that had been received in support of the restaurant were from employees who work in the area who were looking for a place to have breakfast or lunch and that, under those circumstances, he believed that the use proposed is inappropriate for the site. He then moved that the Planning Commission be directed to study the potential use and conditions of conditional or special use permits for uses other than industrial in the Planned Industrial District, that the public be invited to participate in the discussion, that the Planning Commission also explore the possible expansion of permitted uses within the Planned Industrial District and that the matter be brought back to the Council on November 21, 1977. Motion was seconded by Councilwoman Schmidt.

Ayes: Courtney, Richards, Schmidt, Shaw

Nays: None

Motion carried.

DECKAS ADDITION R-2 ZONING AND PRELIMINARY PLAT HEARING DATE SET FOR OCTOBER 17, 1977, by motion of Councilwoman Schmidt, seconded by Councilman Shaw. The property is located generally at the Southwest corner of Olinger Road and Vernon Avenue.

Ayes: Courtney, Richards, Schmidt, Shaw

Nays: None

Motion carried.

ALLEY EAST OF FRANCE AVE. AND BETWEEN W. 55TH STREET AND HEBREW CEMETERY VACATED, EFFECTIVE OCTOBER 12, 1977. Council was reminded that the hearing on the vacation of the alley located East of France Avenue between W. 55th Street and the Hebrew Cemetery had been continued from August 15, 1977, so that the Engineering Department would have an opportunity to investigate the condition of the alley. Mr. Rosland reported that there are approximately 40 to 50 diseased elm trees in the alley which are marked for removal and that it will take more than a half day to remove trash that may have been thrown in the alley from the cemetery. Mr. Erickson advised that removal of the trees and debris would be the responsibility of the City, but that the City would have no responsibility once the alley is vacated. Mrs. Janie Paulus, 3705 W. 55th St., presented a letter requesting that their names be removed from the petition, along with similar letters from Mr. S. A. Moll, 3709 W. 55th St., and Mrs. Sue Knips, 3701 W. 55th Street. Objections listed were that it would be costly to remove diseased elm trees and to incorporate the vacated alley into their landscaping. Concern was also expressed that property owners would be liable for injuries to children playing in the vacated alley because of the uneven terrain and that there would be a property tax increase. Mr. Moll also suggested that the vacation of the alley has been requested only to maximize the profit of the developer. Mr. Frank Reese, repre-

Sept. 12, 1977

Sept 12, 1977
 sending Mr. Philip C. Smaby, agreed that his client would pay for removal of the diseased trees and cleaning up the alley. Mrs. Paulus reiterated her objection to the vacation, stating that she does not want the responsibility of the additional land. Mr. Paulus also expressed his objections to the vacation and added that he was irritated at having to take down his elm trees when Mr. Smaby's trees have not yet been removed. Councilman Richards then offered the following resolution and moved its adoption:

RESOLUTION VACATING ALLEY EAST OF FRANCE AVENUE AND
 BETWEEN W. 55TH STREET AND ADATH YESURN
 CEMETERY

WHEREAS, a resolution of the City Council, adopted July 11, 1977, fixed a date for a public hearing on the proposed vacation of the alley located East of France Avenue and between W. 55th Street and Adath Yesurn Cemetery; and
 WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 15th day of August and the 12th day of September, 1977, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and
 WHEREAS, the Council deems it to be in the best interest of the City and of the public that said alley vacation be made; and
 WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such alley or portion thereof vacated to maintain, repair, replace, remove, or attend otherwise thereto;
 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described alley be and is hereby vacated effective October 12, 1977, unless said date is extended or the vacation terminated by annulment, amendment or recession of this resolution before October 12, 1977:

That part of Woodbury Park Near Lake Harriet, according to the plat on file in the office of the Register of Deeds in and for Hennepin County, Minnesota, in Book 101 of Plats, Page 19, described as follows:

The 20 foot wide alley and that portion of Drew Avenue lying East of the East line of France Avenue, West of the Southerly extension of the West line of Lot 5, Block 7, Woodbury Park Near Lake Harriet, South of the South line of Blocks 6 and 7, Woodbury Park Near Lake Harriet and its Easterly extension, and North of the Southerly boundary of the plat of said Woodbury Park Near Lake Harriet; and

BE IT FURTHER RESOLVED that the Clerk is authorized and directed to cause a Notice of Completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the Register of Deeds, in accordance with Minnesota Statutes, Section 412.851 unless said resolution is annulled, amended or rescinded by the City Council before October 12, 1977.

Motion for adoption of the resolution was seconded by Councilman Shaw.

Rollcall:

Ayes: Courtney, Richards, Schmidt, Shaw

Nays: None

Resolution adopted.

It was understood that the vacation of the alley was contingent upon the removal of the diseased elm trees and the debris and that the City Assessor should write letters to affected property owners advising them of any added value the vacated land would add to their property. Mrs. Paulus expressed her disappointment at the Council's action.

~~PUBLIC WORKS VEHICLES BIDS AWARDED. Mr. Hyde advised that the low bidder of three bids received for sewer cleaning machines did not meet specifications and recommended award to Flexible Pipe Tool Company at \$23,263. Low bidder for tractor loader did not meet specifications and Mr. Hyde recommended award to Case Power Company at \$5,956.00. He recalled that award of bid for dump trucks had been made at the Special Council Meeting of August 26, 1977. Councilman Shaw's motion for award to recommended bidder in both cases was seconded by Councilman Richards.~~

~~Ayes: Courtney, Richards, Schmidt, Shaw~~

~~Nays: None~~

~~Motion carried.~~

~~DUTCH ELM REIMBURSEMENT POLICY TO CONTINUE. Mr. Rosland recalled that under present policy the State pays \$45.00 per diseased tree and the City pays \$55.00 and that so far this year the Park and Recreation Department has received \$26,003.60 from the State for requests which came in late in 1976 and \$25,831.10 for requests approved between January and September 12, 1977. He advised that the State Department of Agriculture Shade Tree Division has changed its matching funds ratio from 45% to 37% and recommended that the Council should again look at the costs affecting the City for the subsidy program, in view of the additional \$11,144.00 which must be spent by the City if estimates of disease are correct. Mr. Rosland recommended that the City continue to pay 50% of the cost, not to~~

AAA739

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

I, the undersigned, being the duly qualified and acting City Clerk of the City of Edina, Minnesota, do hereby certify that I have compared the attached and foregoing extract of minutes with the original minutes on file and of record in my office, and that the same is a full, true, and correct transcript of the minutes of a meeting of the City Council of said City duly called and held on the date therein indicated, as refers to the vacation of the alley East of France Ave. and between W. 55th Street and Hebrew Cemetery.

WITNESS my hand and seal of said City this 10th day of

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Ayes: Courtney, Richards, Schmidt, Shaw

Nays: None

Motion carried.

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WHEREAS, the Council deems it to be in the best interest of the City and of the public that said alley vacation be made; and
WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such alley or portion thereof vacated to maintain, repair, replace, remove, or attend otherwise thereto;
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BE IT FURTHER RESOLVED that the Clerk is authorized and directed to cause a Notice of Completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the Register of Deeds, in accordance with Minnesota Statutes, Section 412.851 unless said resolution is annulled, amended or rescinded by the City Council before October 12, 1977.

Motion for adoption of the resolution was seconded by Councilman Shaw.

Rollcall:

Ayes: Courtney, Richards, Schmidt, Shaw

Nays: None

Resolution adopted.

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~~Nays: None~~

~~Motion carried.~~

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AAA739

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WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 15th day of August and the 12th day of September, 1977, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said alley vacation be made; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such alley or portion thereof vacated to maintain, repair, replace, remove or attend otherwise thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described alley be and is hereby vacated effective October 12, 1977, unless said date is extended or the vacation terminated by annulment, amendment or recession of this resolution before October 12, 1977:

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BE IT FURTHER RESOLVED that the Clerk is authorized and directed to cause a Notice of Completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the Register of Deeds, in accordance with Minnesota Statutes, Section 412.851 unless said resolution is annulled, amended or rescinded by the City Council before October 12, 1977.



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424

612-927-8861

NOTICE OF COMPLETION OF PROCEEDINGS
ON ALLEY VACATION IN THE CITY OF EDINA,
HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on September 12, 1977, adopted a RESOLUTION VACATING ALLEY EAST OF FRANCE AVENUE AND BETWEEN W. 55TH STREET AND ADATH YESURN CEMETERY after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said alley vacation be made, which resolution ordered the vacation of the following described alley, all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

That part of Woodbury Park Near Lake Harriet, according to the plat on file in the office of the Register of Deeds in and for Hennepin County, Minnesota, in Book 101 of Plats, Page 19, described as follows:

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The time of completion of proceedings and the effective date of said vacation is October 12, 1977.

No easements were involved in said vacation.

DATED this 9th day of January, 1978.

BY ORDER OF THE CITY COUNCIL
CITY OF EDINA

Florence B. Hallberg
City Clerk, City of Edina

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No easements were involved in said vacation.

DATED this 9th day of January, 1978.

BY ORDER OF THE CITY COUNCIL
CITY OF EDINA

Florence B. Hallberg
City Clerk, City of Edina

SPEED LETTER®

TO Arlin Waelti

FROM Florence Hallberg

SUBJECT Filing of Vacations

— NO. 9 & 10 FOLD

MESSAGE

DATE Jan. 11 1978

Attached are resolutions vacating

1. Alley East of France & between W. 55th St. & Hebrew Cemetery
2. Drainage and Utility Easements in Green Hills of Edina
(Blake Ridge Estates)

Will it be possible for you to file these documents on January 17? The alley
vacation is needed by then. Please let me know if this is not possible.

Thanks!!

SIGNED *Florence*

REPLY

DATE _____ 19____

— NO. 9 FOLD

— NO. 10 FOLD

SIGNED _____

NOTICE OF COMPLETION OF PROCEEDINGS
ON ALLEY VACATION IN THE CITY OF EDINA,
HENNEPIN COUNTY, MINNESOTA

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BY ORDER OF THE CITY COUNCIL
CITY OF EDINA

Florence B. Hallberg
City Clerk, City of Edina

1/1/74

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.
CITY OF EDINA)

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date July 29, 19 77, acting on behalf of said City I deposited in the United States mail copies of the attached

Notice of Public Hearing / Mailing List - Alley Varnier
(Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date 17 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

WITNESS my hand and the seal of said City this 29
day of July, 19 77.

Glenn B. Hallberg
Edina City Clerk

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON ALLEY VACATION IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street, on August 15, 1977, at 7:00 p.m., for the purpose of holding a public hearing on the proposed vacation of the following described alley:

That part of Woodbury Park Near Lake Harriet, according to the plat on file in the office of the Register of Deeds in and for Hennepin County, Minnesota, in Book 101 of Plats, Page 19, described as follows:

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All persons who desire to be heard with respect to the question of whether or not the above proposed alley vacation is in the public interest and should be made shall be heard at such time and place. The Council shall consider the extent to which such proposed alley vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such alley or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation shall continue.

DATED July 29, 1977

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

Mailing List - Notice of Public Hearing
Alley Vacation - W. 55th St / France / Drew
August 15, 1977

Woodbury Park near Lake Merrill

Bl 5 L 1 }
2 } (S 70') Philip C. Smady
3 } 4850 Fremont Ave So. 55409
4 }

4 (N 84') W.R. Burkhardt - 5501 France 55410

Bl 6 L 1 Mr Gerald L Knipe - 3701 W. 55th St 55410
2 Charles A. Paulsen - 3705 W. 55th
3 Steven A. Moll - 3709 W. 55th
4 Frank M. Jaskola - 3801 W. 55th
5 Philip C. Smady - (4850 Fremont - See Above)

Bl 7 L 1 Mrs Barbara L Henry 3613 W. 55th St
5 J. F. Ledin - 3617 W. 55th St

(South Side Hebrew Burial Assn.)

Adath Yesurn Cemetery - 5605 France Ave So

KRU
Bl 4 L 1 W. L. Krubsack - 3800 W. 55th St
2 Mrs Ruth D. Charbonneau - 3808 W. 55th St
3 Mrs Florence Clough 3812 W. 55th St
4 Frank A. Sherman 3816 "
5 R. J. Stanek 3820 "

Bl 3 L 1 Fred L. Planel ^{PLANE} 3700 W. 55th St
2 V. J. Fiedler 3704 "
3 H. B. Jaffris ^{FF} 3708 "

Page 2
of 2

Lofness

Bl 3 L 4 Swan Lofness - 3712 W. 55th St
5 W. L. Krubsack (see above)

Bl 2 L 4 R. R. Brooks 3612 W. 55th St
5 Ray L. Deetz 3616 "

Jerry Hanson

N. S. Bower

Minnegasco

N. W. Bell

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

MINNEGASCO by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

NORTHWESTERN BELL by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

N.S.P. by YHO 8-2-77 ☒ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

LOCATION ALLEY IN WOODBURY PARK NEAR LAKE HARRIET

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

687
11/11/11

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

MINNEGASCO by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

NORTHWESTERN BELL by AB Tacheny ☒ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

N.S.P. by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

LOCATION ALLEY IN WOODBURY PARK NEAR LAKE HARRIET

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON ALLEY VACATION IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street, on August 15, 1977, at 7:00 p.m., for the purpose of holding a public hearing on the proposed vacation of the following described alley:

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All persons who desire to be heard with respect to the question of whether or not the above proposed alley vacation is in the public interest and should be made shall be heard at such time and place. The Council shall consider the extent to which such proposed alley vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such alley or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation shall continue.

DATED July 29, 1977

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

RECORDED
263668 Res

ALLEY
TO BE
VACATED

264677 Res



STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

MINNEGASCO by Wm T. Schram 8-5-77 ☒ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

NORTHWESTERN BELL by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

N.S.P. by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

LOCATION ALLEY IN WOODBURY PARK NEAR LAKE HARRIET

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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4801 W. 50TH STREET
EDINA, MINNESOTA 55424

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DATED July 29, 1977

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

ALLEY
TO BE
VACATED



removed at our expense. This year and the previous year we spent over \$1,000 in tree removal. The remaining elms are being diseased by marked elms that have not been removed by the city as they are responsible for them 3. We would become liable for injuries that occurred on this property, and being it so far from our door we could not safely patrol the area. 4. The land has ~~remained~~ remained in this state for so long and is in such a bad state and poor terrain that it serves us nothing and is of no value.

We ask that you vote no to this issue as it is of great concern to us.

Sincerely,

Charles & Janie Coulter

Sept. 12, 1977

Edina City Council:

As homeowners of the property at 3705 W. 55th St. we are not in favor of the vacating of the alley behind our home.

This summer Mr. Hanson approached the homeowners involved, and in a hasty, bandwagon decision the two of us signed his petition.

Upon considering the matter in detail, we are no longer in favor of vacating the property and request that Edina be in charge of maintaining the land. Our reasons for this change in thinking are as follows: 1. We would acquire unimproved land that would be costly for us to incorporate into our present landscaping. 2. We would inherit more elm trees that as the state of Minn. tells us will become diseased and need to be

9-12-77

To Whom it may concern:

As a home owner on N. 55th St., I would like to voice an opinion against adding an additional 20 feet ^{of alley land} along the base of my property at 3701. At the time I signed a hasty petition in favor of such an idea, I was not notified of the accompanying tax increase or the possible extra maintenance cost. Elm tree removal, as an example.

Therefore, my vote would be to leave things as they are.

Sincerely,

Lue Knips
3701 N. 55th St.
Edina, Minn

Why the alley should not
be vacated.

- ①. I don't ~~not~~ want nor can I afford
elm tree removal expense.
- ②. geography of property (~~no~~ ravine) such
that it's of no value
- ③. ~~City has not~~ Land has not been
maintained or "kept up" by city.
- ④. do not want added tax burden.
- ⑤. ^{issue} is only a medium by which
Smaly can maximize his
profit

Small
9/12/17

3709 W. 55th

PETITION TO VACATE STREET

TO THE HONORABLE COUNCIL OF THE CITY OF EDINA

DATED

The undersigned represent that they are the majority of owners of real property abutting on the line of WEST 55TH STREET street from FRANCE AVE to DREW AVE., and petition that said portion of said ~~street~~ ALLEY be vacated. The facts and reasons for this application are as follows:

In consideration of vacating the street as herein petitioned the undersigned hereby jointly and severally waive any and all claims for any damages resulting from the vacating and discontinuing of said street.

SIGNATURE OF OWNERS

ADDRESS

DESCRIPTION OF PROPERTY

John F. Ledin	3617. West 55th
Steven A. Mull	3709 W. 55th St.
Charles A. Pecher	3705 W. 55th St.
James E. Paulsen	3705 W. 55th St.
Hail E. Wall	3709 W 55th St
R. Redin	3617 W 55th St
Joe Knipf	3701 W. 55th St
Philip C. Smiley	55th France.
Margaret Smiley	4858-Fremont So

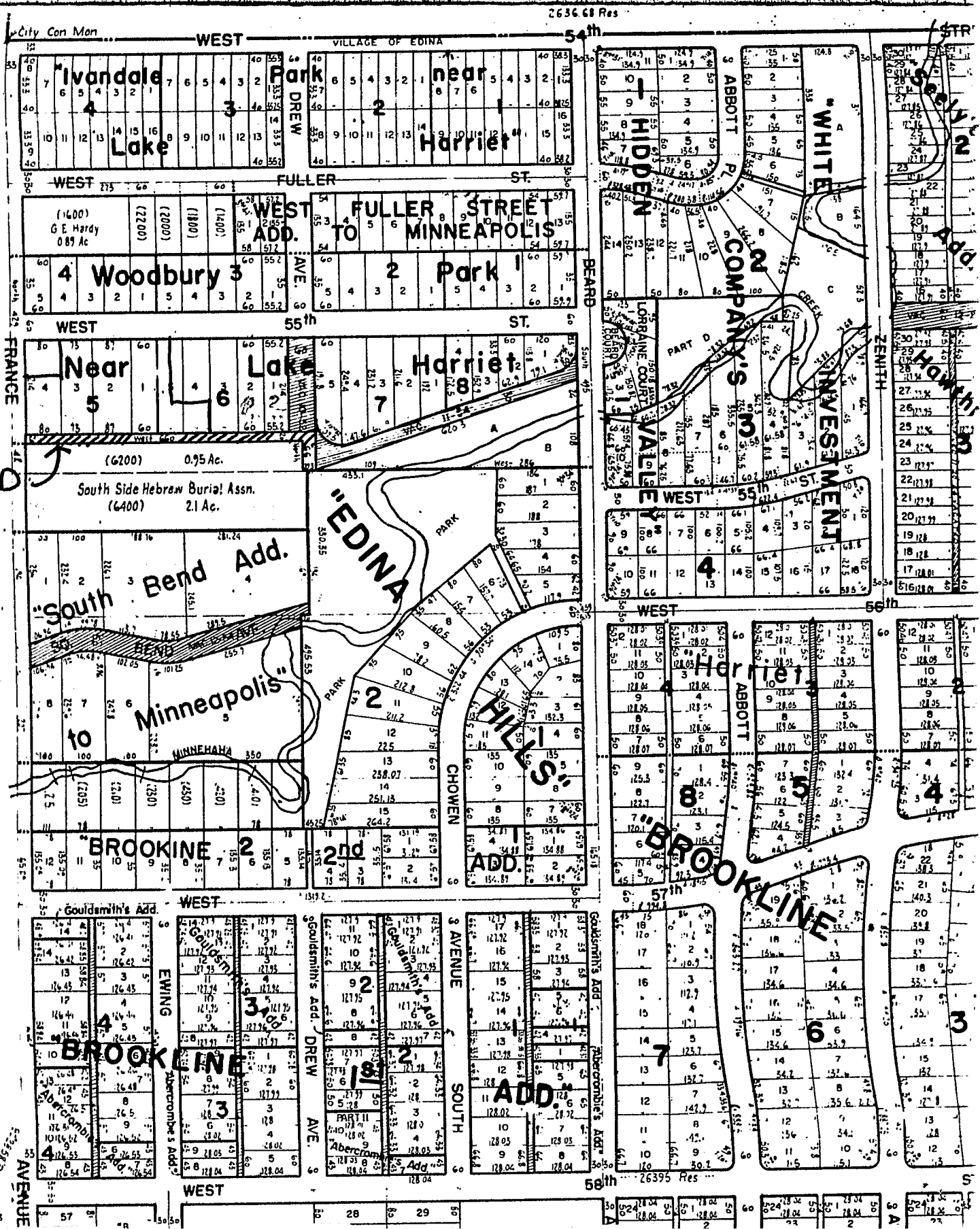
This petition was circulated by X Jerry Hanson

original

RECORDED BY
FROM THE CITY

ALLEY
TO BE
VACATED

265677 Res





4801 WEST 50TH STREET, EDINA, MINNESOTA 55424

RETURNED FOR POSTAGE
CLERK #33

Mr. Phillip C. Smaby
4850 Fremont Ave. So.
Mpls., MN 55409

New notice sent
8/3/77

Description for Alley to be Vandalized

part of Woodbury Park Near Lake Harriet, according to the plat on file in the office of the Registrar of Deeds in and for Hennepin County, Minnesota in Book 101 of plats, Page 19, described as follows:
The 20-foot wide alley and extension of Drou Avenue lying East of the East line of France Avenue, West of the Southern extension of the West line of Block 7, Woodbury Park Near Lake Harriet, South of the South line of Blocks 6 and 7, Woodbury Park Near Lake Harriet and its Eastern extension, and North of the Southern boundary of the plat of said Woodbury Park Near Lake Harriet.

By D.L.
AK 122

0 ...
② May I please have
legal description for
attached? When shall
we set hearing?

OK for 8/15?

Done <

PETITION TO VACATE STREET

TO THE HONORABLE COUNCIL OF THE CITY OF EDINA

DATED _____

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SIGNATURE OF OWNERS

ADDRESS

DESCRIPTION OF PROPERTY

John T. Ledin

3617 West 55th

Steven A. Mull

3709 W. 55th St.

Charles A. Paulsen

3705 W. 55th St.

James E. Paulsen

3705 W. 55th St.

Harold E. Hall

3709 W 55th St

Susan R. Ledin

3617 W 55th St

Joe Knipf

3701 W. 55th St

Cheryl C. Smaby

55th France

Margaret Smaby

4858 Fremont So

Jerry Hanson

RECORDED P. 1
FROM THE OF
General Res

ALLEY
TO BE
VACATED



264077 Res

2636 68 Res

26395 Res

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON ALLEY VACATION IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

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BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

AFFIDAVIT OF POSTING NOTICE OF HEARING ON
ALLEY VACATION

The undersigned, being first duly sworn, upon oath deposes and says that he is the qualified and acting Police Patrolman for the City of Edina, Hennepin County, Minnesota, and that on July 29, 19 77, he posted the notice of hearing on vacation of an alley to be held on August 15, 19 77, a true and correct copy of which is hereto attached, at each of the following public and conspicuous places within the City in a manner likely to attract attention:
1. City Hall, 4801 W. 50th Street 2. 50th & France Business Area, 3922 W. 50th Street
3. Amundson Avenue Shopping Center.

Said easement(s) being described as follows:

That part of Woodbury Park Near Lake Harriet, according to the plat on file in the office of the Register of Deeds in and for Hennepin County, Minnesota, in Book 101 of Plats, Page 19, described as follows:

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Police Patrolman

Subscribed and sworn to before me,
this _____ day of _____, 19 ____.

Notary Public, Hennepin County, Minnesota
My commission expires:

(Official Publication)

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

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ON ALLEY VACATION IN THE CITY OF EDINA
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BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

Please publish in the Edina Sun on July 27, 1977.
Please send us two Affidavits of Publication.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

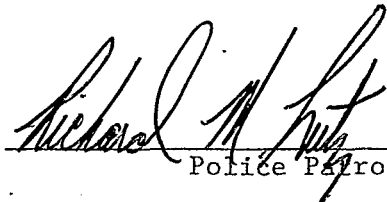
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Police Patrolman

Subscribed and sworn to before me,
this 29 day of July, 19 77.

Douglas D. Haeberling

Notary Public, Hennepin County, Minnesota
My commission expires:

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

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DATED July 29, 1977

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk



SUN NEWSPAPERS
AFFIDAVIT OF PUBLICATION
EDINA SUN

6601 W. 78th St.

Bloomington, Minnesota

State of Minnesota } ss.
County of Hennepin }

J. R. RITCHAY, being duly sworn, on oath says he is and during all times here stated has been the vice president and printer of the newspaper known as The Edina Sun and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once each week. (3) Said newspaper has 50% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements. (4) Said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office. (5) Said newspaper purports to serve the City of Edina in the County of Hennepin and it has its known office of issue in the City of Bloomington in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the managing officer of said newspaper or persons in its employ and subject to his direction and control during all such regular business hours and devoted exclusively during such regular business hours and at which said newspaper is printed. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper is made available at single or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment. (8) Said newspaper has complied with all foregoing conditions for at least one year preceding the day or dates of publication mentioned below. (9) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1 thereafter an affidavit in the form prescribed by the Secretary of State and signed by the managing officer of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printed Notice of Public Hearing hereto attached as a part hereof was cut from the columns of said newspaper, and was printed

and published therein in the English language, once each week, for one successive weeks;

that it was first so published on Wed the 27 day of July, 19 77

and was thereafter printed and published on every _____ to and including

the _____ day of _____, 19____ and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to-wit:

abcdefghijklmnopqrstuvwxyz

J. R. Ritchay

Subscribed and sworn to before me this 27 day of July, 19 77

Muriel L. Quist

MURIEL L. QUIST
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires July 28, 1978

(Official Publication)
CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
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THE CITY OF EDINA
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6601 W. 78th St.

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abcdefghijklmnopqrstuvwxyz

JR Ritchay

Subscribed and sworn to before me this 27 day of July, 19 77

Muriel L. Quist
MURIEL L. QUIST
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires July 28, 1978

(Official Publication)
CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON ALLEY VACATION IN
CITY OF EDINA,
HENNEPIN COUNTY, MINN.
NOTICE IS HEREBY GIVEN that
the City Council of the City of Edina,
Hennepin County, Minnesota, will
meet at the Edina City Hall, 4801 W.
50th Street on August 15, 1977, at 7:00
p.m., for the purpose of holding a public
hearing on the proposed vacation
of the following described alley:
That part of Woodbury Park
Near Lake Harriet, according to
the plat on file in the office of the
Register of Deeds in and for Hen-
nepin County, Minnesota, in Book
101 of Plats, Page 19, described as
follows:
The 20 foot wide alley and
that portion of Drew Avenue
lying East of the East line of
France Avenue, West of the
Southerly extension of the West
line of Lot 5, Block 7, Woodbury
Park Near Lake Harriet, South
of the South line of Blocks 6 and
7, Woodbury Park Near Lake
Harriet and its Easterly exten-
sion, and North of the Southerly
boundary of the plat of said
Woodbury Park Near Lake
Harriet.

All persons who desire to be heard
with respect to the question of
whether or not the above proposed
alley vacation is in the public interest
and should be made shall be heard at
such time and place. The Council
shall consider the extent to which
such proposed alley vacation affects
existing easements within the area of
the proposed vacation and the extent
to which the vacation affects the au-
thority of any person, corporation, or
municipality owning or controlling
electric or telephone poles and lines,
gas and sewer lines, or water pipes,
mains and hydrants on or under the
area of the proposed vacation, to con-
tinue maintaining the same or to
enter upon such alley or portion
thereof vacated to maintain, repair,
replace, remove, or otherwise attend
thereto, for the purpose of specifying,
in any such vacation resolution, the
extent to which any created or such
easements, and such authority to
maintain, and to enter upon the area
of the proposed vacation shall con-
tinue.

BY ORDER OF THE
EDINA CITY COUNCIL
FLORENCE B. HALLBERG
City Clerk
(July 27, 1977)—ED.

Filed 1/19/78 Finance Div,
Henn Co. (Signed L Hezle, deputy)

SNAP-A-WAY AND RETAIN YELLOW COPY. SE WHITE AND PINK COPIES WITH CARBON INTACT

GrayLine "Snap-A-Way" GrayLine "Snap-A-Way" GrayLine "Snap-A-Way" GrayLine "Snap-A-Way"

SPEED LETTER®

TO Arlin Waelti

FROM Florence Hallberg

SUBJECT Filing of Vacations

—No. 9 & 10 FOLD

MESSAGE

DATE Jan. 11 1978

Attached are resolutions vacating

1. Alley East of France & between W. 55th St. & Hebrew Cemetery

2. Drainage and Utility Easements in Green Hills of Edina
(Blake Ridge Estates)

Will it be possible for you to file these documents on January 17? The alley
vacation is needed by then. Please let me know if this is not possible.
Thanks!!

SIGNED Florence

REPLY

DATE _____ 19____

—No. 9 FOLD

—No. 10 FOLD

SIGNED _____

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TRANSFER ENTERED

4350333



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

JAN 19 1978
FINANCE DIVISION
HENNEPIN COUNTY, MINN.
BY L. H. H. H. DEPUTY

RESOLUTION VACATING ALLEY EAST OF FRANCE AVENUE AND
BETWEEN W. 55TH STREET AND ADATH YESURN
CEMETERY

WHEREAS, a resolution of the City Council, adopted July 11, 1977, fixed a date for a public hearing on the proposed vacation of the alley located East of France Avenue and between W. 55th Street and Adath Yesurn Cemetery; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 15th day of August and the 12th day of September, 1977, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said alley vacation be made; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such alley or portion thereof vacated to maintain, repair, replace, remove or attend otherwise thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described alley be and is hereby vacated effective October 12, 1977, unless said date is extended or the vacation terminated by annulment, amendment or recession of this resolution before October 12, 1977:

That part of Woodbury Park Near Lake Harriet, according to the plat on file in the office of the Register of Deeds in and for Hennepin County, Minnesota, in Book 101 of Plats, Page 19, described as follows:

The 20 foot wide alley and that portion of Drew Avenue lying East of the East line of France Avenue, West of the Southerly extension of the West line of Lot 5, Block 7, Woodbury Park Near Lake Harriet, South of the South line of Blocks 6 and 7, Woodbury Park Near Lake Harriet and its Easterly extension, and North of the Southerly boundary of the plat of said Woodbury Park Near Lake Harriet; and

BE IT FURTHER RESOLVED that the Clerk is authorized and directed to cause a Notice of Completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the Register of Deeds, in accordance with Minnesota Statutes, Section 412.851 unless said resolution is annulled, amended or rescinded by the City Council before October 12, 1977.

ADOPTED this 12th day of October, 1977.



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424

612-927-8861

NOTICE OF COMPLETION OF PROCEEDINGS
ON ALLEY VACATION IN THE CITY OF EDINA,
HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on September 12, 1977, adopted a RESOLUTION VACATING ALLEY EAST OF FRANCE AVENUE AND BETWEEN W. 55TH STREET AND ADATH YESURN CEMETERY after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said alley vacation be made, which resolution ordered the vacation of the following described alley, all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

That part of Woodbury Park Near Lake Harriet, according to the plat on file in the office of the Register of Deeds in and for Hennepin County, Minnesota, in Book 101 of Plats, Page 19, described as follows:

The 20 foot wide alley and that portion of Drew Avenue lying East of the East line of France Avenue, West of the Southerly extension of the West line of Lot 5, Block 7, Woodbury Park Near Lake Harriet, South of the South line of Blocks 6 and 7, Woodbury Park Near Lake Harriet and its Easterly extension, and North of the Southerly boundary of the plat of said Woodbury Park Near Lake Harriet

The time of completion of proceedings and the effective date of said vacation is October 12, 1977.

No easements were involved in said vacation.

DATED this 9th day of January, 1978.

BY ORDER OF THE CITY COUNCIL
CITY OF EDINA

Florence B. Hallberg
Florence B. Hallberg
City Clerk, City of Edina



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4350333

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OFFICE OF COUNTY RECORDER
HENNEPIN COUNTY, MINNESOTA
CERTIFIED FILED AND OR
RECORDED ON

1978 JAN 19 PM 3:50

AS DOCUMENT # 4350333

CO. RECORDER

DEPUTY

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